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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

October 7, 2005

Dr. Jerry Pell, Project Manager
Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
Washington, DC 20585

Re: Draft Environmental Impact Statement for the Bangor Hydro-Electric Company Northeast Reliability Interconnect, CEQ # 20050347

Dear Dr. Pell:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act we have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Bangor Hydro-Electric Company Northeast Reliability Interconnect project proposed by the Bangor Hydro-Electric Company (BHE) in Hancock, Penobscot, and Washington Counties, Maine.¹

According to the DEIS, the BHE proposal entails the construction and operation of an 85 mile long single circuit, 345,000 volt (345-kV) alternating current (AC) electric transmission line. The line would originate at the Orrington Substation and extend eastward to the U.S.-Canada border near Baileyville, Maine and then would continue into New Brunswick, Canada. According to the DEIS, the project would enhance the sharing of generation capacity between the Maritimes and New England, reducing requirements for reserve generation, increasing the reliability of the overall transmission system and facilitating expanded exports of energy to the Maritimes from the New England Power Pool.

Four alternative routes, including the applicant's preferred transmission line route, are evaluated in detail in the DEIS including: the Modified Consolidated Corridors Route (MCCR)—BHE's proposed action and DOE's preferred alternative; the Consolidated Corridors Route (CCR); (3) alternative three, the previously permitted route; and the MEPCO South Route. All of the routes originate and end at the same locations, namely the Orrington Substation and the crossing of the St. Croix River near Baileyville. Also, the initial 12.2 miles from the Orrington substation would be identical for all four routes. EPA agrees that the DEIS presents a reasonable range of alternative routes. Based on the information provided it appears that the MCCR or CCR alternatives have the potential to qualify as the least environmentally damaging practicable

¹ EPA New England (EPA) plans to submit additional formal Clean Water Act Section 404 comments in response to the Corps of Engineers' public notice.

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EPA-1

alternative (LEDPA). The DEIS includes a list of permits that will be required for this project which includes a Section 404 Clean Water Act permit from the US Army Corps of Engineers (Corps). A public notice for this project was issued by the Corps on September 20, 2005. However, because the information presented in the public notice is inconsistent with what is presented in the DEIS, the Corps plans to issue a revised public notice.

A Section 404 permit was issued to BHE in January 1995 for a transmission line alignment along the Stud Mill Road route that would have impacted approximately 2.5 acres of wetland and would have created 71 miles of new right of way from Baileyville to Bradley Maine. The project impacts to wetlands would have resulted from the construction of permanent and temporary access roads. EPA and the US Fish and Wildlife Service (FWS) provided comments on the project in November 1991. The 1995 federal Section 404 permit expired prior to the project being constructed. In 1999 Maritimes and Northeast Pipeline, L.L.C. constructed a natural gas pipeline in the same general area as the Stud Mill Road route proposed by BHE. According to the DEIS, in 2001 in response to a BHE request for a State permit extension for the project, the Maine Board of Environmental Protection indicated a preference for BHE to modify the transmission line route to develop a route that would more closely follow the established linear corridors including the recently constructed gas pipeline corridor. Those changes are reflected in the preferred alternative described in the DEIS.

The preferred alternative described in the DEIS consists of 15 miles of new right of way, 58 miles of clearing adjacent to the M&N gas pipeline and/or Stud Mill road and 12 miles of clearing adjacent to the existing MEPCO 345-kV transmission line. According to the DEIS the primary impacts to wetlands would occur where forested wetlands are cleared and replaced over time by scrub-shrub or emergent wetlands. The following wetland impacts are anticipated (by alternative):

- MCCR--70 acres of clearing out of 133 acres of wetland within the ROW
- CCR--53 acres of clearing out of 108 acres of wetland within the ROW
- Previously permitted Route--103 acres of tree clearing out of 152 acres of wetland within the ROW
- MEPCO south Route--73 acres of tree clearing out of 173 acres of wetland within the ROW

EPA-2

While the four alternative routes evaluated in the DEIS present both a reasonable range of alternatives for purposes of NEPA and an adequate number of options from which to determine a potential LEDPA under Section 404, it is unclear how the MCCR was selected as the preferred alternative. We recommend that the FEIS discuss the advantages and disadvantages associated with each of the alternatives considered and the rationale for selecting the preferred alternative.

Response to EPA-1:

The inconsistencies involving the information presented in the public notice issued by the USACE and what is presented in the Draft EIS are related only to a difference in the naming of the alternatives routes. The preferred route identified by the applicant in its wetland permit application to the USACE is called the Consolidated Corridors Route. This route is referred to as the Modified Consolidated Corridors Route in the EIS. The applicant has been involved in consultations with the USACE to address the differences in route names used by BHE in its permit applications and by DOE in the EIS, and the USACE has indicated that its public notice will not be reissued (Clement 2005).

Response to EPA-2:

In a Presidential permit proceeding, the applicant, rather than DOE, proposes the project. In this event, DOE's proposed action and the range of reasonable alternatives in the EIS for the permit generally are consistent with the applicant's purpose and need and are both practicable and feasible.

State regulatory agencies generally have the responsibility for determining whether and where an electric transmission line should be built within a State. During the State permitting process, the Maine Board of Environmental Protection stated its preference for BHE to construct the proposed NRI along a route that would be more closely consolidated with established linear corridors (Draft EIS, Section 1.1, page 1-2). Therefore, BHE conducted a stakeholder outreach process during which it considered input from Federal, State, and local authorities; Native American Tribes; public interest groups; and other stakeholders on route alternatives (Draft EIS, Section 2.1.1, page 2-2). On the basis of input from this process and after considering other factors, including concerns expressed by the State and local authorities, local zoning and planning regulations, cost and engineering criteria, and environmental and land use considerations, BHE identified the Modified Consolidated Corridors Route as its preferred alternative, and the State of Maine ultimately issued a permit to BHE for construction of the NRI along this route.

Here, DOE has selected the Modified Consolidated Corridors Route as its preferred alternative for two reasons: first, because it is the applicant's preferred alternative and second, because the State of Maine has issued a permit to BHE for development of the NRI along that route. As it happens, this alternative also has the lowest impacts of all of the alternative routes.

DOE has provided discussion on its criteria and considerations in naming a preferred alternative in Section 1.4 (page 1-10) of this Comment-Response Addendum.

Chapter 4 of the Draft EIS presents the impact analyses for each of the alternatives considered in the EIS. A summary of the advantages and disadvantages of each alternative will be presented in the ROD to support DOE's decision. DOE will announce its final decision in the ROD and provide the basis for that decision.

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- EPA-3 The DEIS states that four wetlands of unusual significance occur along the MCCR that support rare and exemplary natural communities. While these systems are located outside the right of way, we recommend that the FEIS describe specific mitigative measures, such as the establishment of protective buffers to ensure that they will be protected from potential indirect and cumulative impacts associated with the powerline. For example, the locations of temporary access roads should be clearly identified relative to these unique wetland areas and a discussion provided to explain how the wetland ecosystems will be protected from indirect impacts associated with the temporary roads.
- EPA-4 The most significant impact on wetlands would occur in areas where forested wetlands were cleared and subsequently converted to scrub-shrub or emergent wetlands. For the MCCR a total of 34 support structures would be located within wetland areas. The DEIS describes mitigation measures that establish a buffer zone around wetlands where herbicide application would be prohibited. We recommend that the analysis be expanded to discuss the potential for the introduction of invasive species and methods to control their spread as a result of the clearing.
- EPA-5 This section should also, to the degree feasible, identify the forested wetland types within the corridor and include mitigative measures such as buffers to protect wetlands not associated with a stream corridor. The mitigative measures listed may help to limit indirect impacts to water quality within the wetland system but they do not mitigate for the loss of wildlife habitat. We also believe the FEIS should discuss how the new transmission line will be managed to provide habitat for the species identified in Appendix D. For example, the applicant may want to consider creating a more gradual transition area within the ROW to minimize impacts to existing species and/or create a more diverse habitat mosaic to encourage other wildlife use. There may be locations along the route that could be enhanced with additional shrub or old field cover type (if currently maintained as meadow). The discussion of buffer zones as measure to avoid or reduce indirect effects of clearing near wetlands should also be expanded in the FEIS. The FEIS should include a more thorough description of buffers (which may vary depending on the wetland community type described) adjacent to wetland areas. It would also be helpful if the FEIS includes specific illustrations that show where the wide variety of wetland types (i.e., inland marshes, wet meadows, peatlands, shrub swamps and forested swamps (both deciduous and evergreen), forested floodplain wetlands, and vernal pools) are located in the project area. This information is necessary to assess the potential impacts of the proposed action and to determine the effectiveness of the mitigative measures proposed.
- EPA-6
- EPA-7
- EPA-8
- EPA-9 We believe the discussion of potential impacts on amphibians and reptiles on page 4-23 fails to capture the potential impacts of forest clearing adjacent to vernal pool habitat. We recommend that the location of potential vernal pools be identified along the project corridor and that mitigative measures be developed to help protect these habitats during construction and in association with the maintenance and operation of the corridor right-of-way. The analysis should also discuss the increase potential for predation from clearing activities and the resulting loss of forest cover.
- EPA-10

Response to EPA-3:

The potential for direct and indirect impacts on natural resources (including wetlands of unusual significance) was considered by the applicant throughout its development of the alternatives, design of the transmission line components, specification of buffer zones around sensitive natural communities, construction methods, and project scheduling. For example, wetlands were identified so that wetland crossings, where needed, would be located to minimize the span of the wetland crossing and avoid the more environmentally sensitive portions of the wetland. Also, much of the clearing and construction activities in the wetlands would be conducted in winter when the ground surface is frozen and vegetation is dormant, thus minimizing the potential for disturbing soil and vegetation. The mitigation measures developed by the applicant that are identified in Section 2.4 (page 2-37) of the Draft EIS include multiple measures that specifically target potential indirect impacts, such as those associated with potential runoff of herbicides to wetlands. For example, to minimize potential surface soil erosion and runoff into nearby surface waters or wetlands, areas disturbed by the establishment of new temporary access roads would be regraded to their original contours, seeded, and mulched upon completion of their use. In addition, the applicant would not need to construct any new access roads to construct the line along the Modified Consolidated Corridors Route and Consolidated Corridors Route alternatives. An existing access road crosses one of the identified wetlands of unusual significance. This access road is hard-packed soil that would not require any upgrades by the applicant. DOE believes that the applicant's planned mitigation measures would effectively minimize wetland impacts to the extent practicable.

Response to EPA-4:

The Draft EIS (Section 4.5.2.1.1, pages 4-15 and 4-16) discusses the potential for invasive species introduction and identifies specific invasive species that are of particular concern in Maine. The Draft EIS (Section 2.4.2, page 2-39) also discusses the development of practices such as cleaning of construction equipment in order to minimize the potential dispersal of seeds that may become stuck in tire treads or mud on construction equipment and be transported to new, potentially suitable habitats. Surface soil disturbance represents the primary avenue for invasive species establishment in areas that have established plant communities. Soil disturbance would primarily occur from support structure and AC mitigation installation, staging area and substation upgrades, and, if required, establishment of new access roads. To minimize the potential for invasive species becoming established in the NRI ROW areas, the Draft EIS identifies several mitigation measures (see Sections 2.4.2 [page 2-39] and 2.4.3 [page 2-42]) intended to stabilize disturbed areas and thus reduce the potential for invasive species establishment. These measures include leaving all ground-level vegetation and stumps in place after cutting, no grubbing or clearing of brush in support structure construction areas unless leveling of the area is required, the use of wide-track or balloon-tired vehicles in unfrozen wetlands, and the use of State-approved seed mixes (that support wildlife use) to restore disturbed areas. In addition, performing the majority of the clearing during the winter would minimize soil disturbance.

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Response to EPA-5:

During alternative route planning, the applicant considered minimizing clearing in forested wetlands that are not associated with stream corridors. Regardless of the forested wetland type, vegetation management within the ROW would be aimed at minimizing contact of vegetation with conductors. Thus it would be necessary to remove or top all trees that are 8 to 10 ft (2.4 to 3.0 m) or taller for reliability requirements. Trying to maintain forested wetlands with differential vegetation height throughout the ROW would be unduly complicated and increase line reliability risks (Paquette 2005f). Section 2.4 (page 2-37) and Appendix E of the Draft EIS identify the requirements for wetland buffers as well as for mitigation measures such as siltation fences, erosion control measures, herbicide application constraints, and vehicle movement restrictions, that would minimize impacts on wetlands not associated with stream corridors. In addition, as much clearing and construction in wetlands as possible would be conducted in winter when the wetlands are frozen, thus reducing the potential for impacting wetland vegetation and disturbing wetland soils. DOE believes that the applicant's approach to managing forested wetlands within the ROWs would minimize impacts on these resources to the extent practicable.

Response to EPA-6:

The applicant's first priority of ROW management is protecting conductors to ensure the reliability of electric power transmission. Nevertheless, DOE believes the ROW management approach developed by BHE considers wildlife impacts to the extent practicable. The applicant developed construction and post-construction activities to minimize impacts on wildlife habitat during construction and to provide stable wildlife habitat during NRI operations (e.g., habitat that would require infrequent to no clearing). For example, to minimize impacts on wildlife habitat (such as deer wintering yards), siting of the transmission line by BHE was coordinated with the MDIFW, while restoration of disturbed areas within the ROW would use seed mixes (such as "Strut and Rut") that provide food for wildlife. The mitigation identified in Section 2.4 (page 2-37) of the Draft EIS addresses ROW clearing, restoration, and maintenance activities and includes measures that would minimize impacts on wildlife habitat to the extent practicable. Also see the responses to EPA-2 and EPA-4.

Response to EPA-7:

The siting, construction, and maintenance specifications developed by the applicant for the transmission line ROW considered indirect impacts on wetlands. Mitigation measures targeting indirect impacts on wetlands, including the use of buffer zones, are identified in Sections 2.4.1 (page 2-37), 2.4.2 (page 2-39), and 2.4.5 (page 2-44), while Section 2.3 (page 2-14) of the Draft EIS provides details regarding buffer zones during ROW clearing, construction, and post-construction. The mitigation measures address indirect impacts related to erosion and surface runoff, herbicide application, and vehicle traffic. Section E.7 (page E-14) of the wetland and floodplain assessment found in Appendix E of the Draft EIS also identifies a number of mitigation measures for minimizing indirect impacts on wetlands. These mitigation measures are also presented in Section 2.4 (page 2-37) of the Draft EIS. Also see the response to

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EPA-3. DOE believes that the proposed mitigation measures would adequately minimize impacts on all wetland types to the extent practicable.

Response to EPA-8:

DOE believes that the Draft EIS, including the wetland and floodplain assessment presented in Appendix E, provides sufficient information to ascertain the nature and magnitude of wetland impacts that could be incurred with each alternative route. Including illustrations of the specific wetland types would not alter DOE's conclusions in the Draft EIS with regard to wetland impacts. The wetland assessment presented in Appendix E describes the basic wetland types that occur within ROWs (using the widely used classification system of Cowardin et al. 1979) and also identifies the dominant species associated with these wetlands. As discussed in Section 4.5.2.1.7 (page 4-25) and Appendix E of the Draft EIS, wetland impacts associated with the construction and maintenance of the proposed transmission line would generally involve the conversion of forested wetlands to scrub-shrub or emergent wetlands. This impact would result in a change in wetland type and not in loss of wetlands or wetland functions. In its siting of the route and the proposed placement of support structures, BHE took into account direct and indirect impacts on wetlands so as to avoid or minimize wetland impacts to the extent practicable. Thus, DOE has concluded that the applicant's proposed mitigation measures (summarized in Sections 2.4 [page 2-37] and E.7 [page E-14, Appendix E] of the Draft EIS) would be effective in minimizing wetland impacts.

Response to EPA-9:

It is not practicable to survey and identify the locations of all vernal pools within or adjacent to the alternative corridor routes. A number of conditions must be in place for a waterbody to be considered a vernal pool (such as being fishless and used by key amphibian species for reproduction). Without specific knowledge of how an individual pool could be affected, it would not be possible to identify appropriate mitigation measures. Long-term, pool-specific studies would be required to obtain this information. The use of buffer zones and the type of vegetation clearing that would occur during ROW construction and maintenance (see Section 2.4 [page 2-37] of the Draft EIS) would limit impacts on wetlands, including vernal pools, that are within or adjacent to the ROW. Potential impacts on vernal pools within the ROW during construction would be temporary (e.g., depending upon the size of the vernal pool, establishment of a scrub-shrub habitat surrounding the pool could establish conditions somewhat similar to a forested vernal pool). A total of 20 candidate vernal pools were identified during the wetland survey for the Modified Consolidated Corridors Route, and none of these pools would have support structures located within them (Paquette 2005d). The potential for impacts on vernal pools that occur within the ROW would be minimized because clearing and construction in wetlands would mostly occur in winter when the ground surface is frozen. Potential impacts due to ROW maintenance would be avoided or minimized through herbicide use restrictions in and around wetlands with standing water (see Section 2.4 [page 2-37] of the Draft EIS). Information on vernal pools has been added to Sections 3.5.3 [page 3-21] and 4.5.2.1.7 (page 4-25) of the Draft EIS.

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Response to EPA-10:

In small vernal pools, predation may increase initially, but once scrub-shrub habitat is established, the pool inhabitants would likely be more protected than in a vernal pool within a forested habitat with minimal ground cover. Also, the vernal pools within the ROW would not be impacted by subsequent developments, and amphibian species may experience less impact than occurs in vernal pools contained within areas subject to commercial timber harvesting. This information has been added to Section 4.5.2.1.7 (page 4-25) of the Draft EIS. See also the response to EPA-9.

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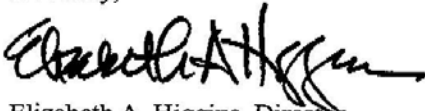
EPA-11 Additional discussion of right-of-way maintenance techniques in the FEIS would make the analysis of potential impacts more complete. In particular, it would be helpful to know: whether burning will be used, how often, and if fire lanes will be necessary; the types of cutting, chopping, or mowing equipment to be used and frequency of use; whether soil seeding and fertilization will be done; whether techniques will be used to control the vegetative species to enhance use of the corridor by local biota; and, the effects of maintenance techniques on plant life and wildlife habitat. We note the discussion of herbicide use during construction and maintenance of the project in Appendix E and G of the DEIS and suggest that the

EPA-12 recommendations provided be incorporated into the record of decision and other related state and federal permits for the project.

EPA-13 Finally, we note that a large diversity of wildlife species occurs in the project area because of the variety of habitat types present. Included are at least 45 species of mammals, 150 species of birds and 25 species of reptiles and amphibians. We recommend that the FEIS discuss how the power line will be monitored during and after construction to assess impacts to these species and to develop methods to alleviate any unforeseen adverse effects.

For the reasons discussed above, EPA has rated this EIS "EC-2-Environmental Concerns-Insufficient Information" in accordance with EPA's national rating system, a description of which is attached to this letter. We look forward to reviewing responses to the issues and concerns highlighted in this letter. Please feel free to contact me or Timothy Timmermann of EPA's Office of Environmental Review at 617/918-1025 if you wish to discuss these comments further.

Sincerely,



Elizabeth A. Higgins, Director
Office of Environmental Review

Attachment

Response to EPA-11:

DOE believes that sufficient discussion of ROW maintenance is already presented in the Draft EIS. The ROW maintenance techniques identified by the applicant are discussed in Section 2.3.6 (page 2-35) of the Draft EIS. This section includes discussions of ROW inspections, clearing cycles, use of buffers, hand and mechanical clearing, herbicide application, and selective cutting that would occur to ensure the reliability of electric power transmission. Additional information on ROW clearing is presented in Section 2.3.4.3 (page 2-28) of the Draft EIS; Table 2.3-3 (page 2-29) of the Draft EIS summarizes the maintenance cutting practices that would take place in different areas of a ROW (e.g., areas with no restrictions and within standard stream buffers). Mitigation measures to be used during ROW maintenance are presented in Section 2.4.5 (page 2-44) of the Draft EIS. The cleanup of cut vegetation would be accomplished in accordance with the Maine Slash Law. While some burning of slash may occur during initial ROW clearing, burning would not be used during subsequent periods of ROW maintenance. Additional details regarding ROW maintenance techniques may be found in the permit application submitted by BHE to the Maine Department of Environmental Protection.

Response to EPA-12:

DOE will consider these and all mitigation measures identified in the Draft EIS in reaching a decision on the proposed action. Any mitigation measures DOE believes are required would be identified in the ROD and incorporated by reference in a Presidential permit amendment, if granted. The mitigation measures identified in Section 2.4 (page 2-37) and Appendices E and G of the Draft EIS are also included within the applicant's State permit application. However, it is not within the scope of the EIS or the authority of DOE to dictate what mitigative measures are included in other Federal or State agency permits that the applicant is required to obtain.

Response to EPA-13:

No post-construction wildlife monitoring by the applicant is planned. However, line routing decisions and mitigation measures were developed by the applicant, in part, to minimize, to the extent practicable, impacts on wildlife during all phases of the proposed action (clearing, construction, operation, and maintenance). The ROW corridors were sited to avoid, to the maximum extent practicable, impacting significant wildlife habitats (e.g., wading bird and waterfowl areas, deer yards, and bald eagle nests) and important, unique, or sensitive natural communities or habitats (see Section 2.4.1 [page 2-37] of the Draft EIS). Mitigation measures protective of wildlife during ROW clearing and construction include avoidance of activities near active bald eagle nests, establishment of buffers around wetland and riverine habitats, walk-throughs by project staff and applicable third-party representatives of any clearing or construction areas near or in sensitive natural areas, and seasonal construction restrictions to minimize disturbance of nesting wildlife (see Section 2.4.2 [page 2-39] of the Draft EIS). Post-construction mitigation measures protective of wildlife and their habitats include the timely restoration of disturbed areas, revegetation using State-approved seed mixes that provide for wildlife use, the use of ball markers on shield wires at key water courses, herbicide use

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restrictions, and the seasonal restriction of vegetation maintenance activities using motorized equipment in moderate- and high-value waterfowl and wading bird breeding and nesting habitats (see Section 2.4.5 [page 2-44] of the Draft EIS). The ROW corridor would be monitored by the applicant or its contractors to ensure that appropriate mitigation measures are implemented. Therefore, DOE believes that the mitigation measures and ROW maintenance practices developed by the applicant would minimize impacts on wildlife species during and after ROW construction to the extent practicable.

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Summary of Rating Definitions and Follow-up Action**Environmental Impact of the Action****LO--Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement**Category 1--Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

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October 11, 2005

Dr. Jerry Pell, Project Manager
Office of Electricity Delivery and Energy
Reliability, OE-20
U.S. Department of Energy
Washington, DC 20585

Via Electronic Mail

Re: DOE/EIS-0372
Draft Environmental Impact Statement for the
Bangor Hydro-Electric Company Northeast Reliability Interconnect (August 2005)
Comments of Maritimes & Northeast Pipeline, L.L.C.

Dear Dr. Pell:

In accordance with the Department of Energy's ("DOE") "Notice of Public Hearings" on the Draft Environmental Impact Statement for the proposed Northeast Reliability Interconnect Project ("Draft EIS") proposed by Bangor Hydro-Electric Company ("BHE"), Maritimes & Northeast Pipeline, L.L.C. ("Maritimes") hereby provides its written comments on the Draft EIS. The proposed DOE action in the Draft EIS is to amend BHE's existing Presidential Permit to allow construction along the "Modified Consolidated Corridors Route" of a single-circuit, 345,000-volt, electric transmission line that would cross the United States international border with Canada in the vicinity of Baileyville, Maine. The Draft EIS was prepared to evaluate the potential environmental impacts in the United States of the proposed action and the range of reasonable alternatives. Maritimes appreciates this opportunity to provide its comments on the Draft EIS and to explain its interest in this proceeding.

Maritimes is a limited liability company that, along with its Canadian pipeline affiliate, Maritimes & Northeast Pipeline Limited Partnership, owns and operates a high pressure natural gas delivery system that transports natural gas in international commerce from the tailgate of a processing plant near Goldboro, Nova Scotia, to the Canadian-United States border, and through the northeastern states of Maine, New Hampshire, and Massachusetts, with a terminus in Dracut, Massachusetts, and another terminus in Beverly, Massachusetts. Maritimes and Portland Natural Gas Transmission System share an undivided, joint ownership interest in approximately 101.3 miles of pipeline extending from Westbrook, Maine, to Dracut. The Federal Energy Regulatory Commission ("FERC") approved the United States portion of the original Maritimes Project in a series of orders in 1998 and 1999,¹ and Maritimes placed such facilities into service on March 10, 1999 (Phase I) and December 1, 1999 (Phase II), respectively. FERC approved Phase III of

¹ *Maritimes & Northeast Pipeline, L.L.C.*, 80 FERC ¶ 61,136 (1997) (Phase I); 84 FERC ¶ 61,130, *order on reh'g*, 85 FERC ¶ 61,120 (1998) (Phase II); 87 FERC ¶ 61,061, *order on reh'g*, 89 FERC ¶ 61,123 (1999) (amending the Phase I and Phase II certificates).

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Dr. Jerry Pell, Project Manager
Office of Electricity Delivery and Energy
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the Maritimes Project in a series of orders commencing in 2001,² and Maritimes placed Phase III into service on November 24, 2003. Since its original in-service date, the Maritimes system has been a reliable source of critically necessary natural gas supply for the Maritimes provinces of Canada and the New England region.

In connection with the operation and maintenance of the Maritimes pipeline system, Maritimes owns and maintains significant rights-of-way that extend the entire length of its pipeline route. Portions of this right-of-way are directly affected by BHE's Northeast Reliability Interconnect Project ("NRI"). Specifically, the proposed route for the NRI Project will, in certain places, be adjacent to, and in close proximity with, the Maritimes pipeline system. As a result, Maritimes must install the appropriate alternating current mitigation (the "AC Mitigation Facilities") (i) to protect the public and pipeline personnel as well as the pipeline itself under steady state operating conditions under power line fault conditions on its pipeline system, (ii) to safely accommodate the electrical effects of the proximate electrical transmission facilities, (iii) to comply with the regulations of the U.S. Department of Transportation ("USDOT"), (iv) to protect the integrity of the pipeline's cathodic protection equipment and other above-ground facilities, and (v) to ensure the continued efficient operation of the Maritimes system.³ Accordingly, Maritimes' interest in the NRI project is to ensure that the appropriate AC Mitigation Facilities are installed and functional prior to energizing the NRI facilities.

The United States portion of the Maritimes pipeline system has been designed and is operated under the exclusive federal jurisdiction of the USDOT. In particular, the USDOT regulations require that "[w]here a pipeline is located in close proximity to electric transmission tower footings, ground cables or counterpoise, or in other areas where fault currents or unusual risk of lightning may be anticipated, it must be provided with protection against damage due to fault currents or lightning, and protective measures must also be taken at insulating devices." See 49 CFR § 192.467(f) (2005) (External Corrosion Control: Electrical Isolation).

Maritimes' representatives have been working cooperatively with BHE over the last two years to properly align the NRI facilities with respect to the existing Maritimes pipeline facilities and to develop an appropriate design for the necessary AC Mitigation Facilities. While the design is not finalized, it is anticipated that the AC Mitigation Facilities will consist of a buried zinc ribbon (or ribbons) substantially along the distance of the pipeline where the proposed NRI electric transmission facilities will parallel the existing Maritimes pipeline. In addition, electrical grounding facilities will be required to provide protection at Maritimes' existing above-ground facilities, such as valve sites and a compressor station at Baileyville, Maine. Maritimes is coordinating its final AC Mitigation Facilities design with BHE along with the anticipated

² *Maritimes & Northeast Pipeline, L.L.C.*, 95 FERC ¶ 61,077, order granting certificate, 97 FERC ¶ 61,345 (2001), order amending certificate, 99 FERC ¶ 61,277 (2002).

³ In connection with the FERC certificate orders described above, Maritimes received authorization to construct, install, own, operate and maintain ancillary above-ground appurtenant facilities, including cathodic protection equipment, as well as mainline crossover and blow-off piping and valving, pressure regulating devices, gas metering equipment, and launchers, receivers and associated piping and valves for internal inspection instruments and cleaning devices, all as required for compliance with USDOT regulations.

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Office of Electricity Delivery and Energy
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installation schedule associated with this maintenance activity. In order to maintain the integrity and efficient operation of this existing critical energy delivery system and to ensure the continued protection of the public, Maritimes must have its AC Mitigation Facilities installed and functioning prior to the energizing of the NRI facilities proposed by BHE.

Once again, Maritimes appreciates this opportunity to provide its comments on the Draft EIS and to explain its interest in this proceeding. If you have any questions, please contact the undersigned at (617) 560-1383.

Sincerely,



William C. Penney, Jr.
Vice President and General Manager
M&N Management Company
Managing Member of
Maritimes & Northeast Pipeline, L.L.C.

cc: Robin McAdam (Bangor-Hydro Electric Company)
Director, Corporate Development
Emera, Inc.
1894 Barrington Street
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Halifax, Nova Scotia B3J 2A8

Response to M&N-1:

DOE is aware that BHE and Maritimes have been working cooperatively to design AC mitigation for the M&N gas pipeline. It is expected that the AC mitigation for the pipeline would be installed by Maritimes before the NRI is energized.